IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 28559 of 2000(Y)

PETITIONER:

MELETHIL ABDUL KAREEM
S/O ABDURAHIMAN,
MUKKATTA, NILAMBUR
MALAPPURAM DISTRICT

BY ADV. SRI.SIVAN MADATHIL

RESPONDENTS:
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1. NILAMBUR GRAMA PANCHAYATH
P.O, NILAMBUR
REP: BY ITS SECRETARY

2. N.VELUKUTTY(THE THEN PRESIDENT OF NILAMBUR GRAMA PANCHAYATH) RESIDING AT'GAYATHRI', MANALODY NILAMBUR, MALAPPURAM DISTRICT

3. STATE OF KERALA
REP: BY SECRETARY, LOCAL ADMINISTRATION SECRETARIAT, TRIVANDRUM

4. ABU, OVERSEER
KOOTHARTHODIKA
P.O, VENGOOR, VIA: MELATHUR
MALAPPURAM DISTRICT

BY ADV. SRI.K.M.SATHYANATHA MENON

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Ext.P1: True copies of the Plan, chalan fee for building construction and the covering letter issued by the petitioner

Ext.P2: True copy of the order vide No.A3/103/99/T.P/dated 1-3-99 issued by the District Collector Malappuram to the petitioner

Ext.P3: True copy of the Statutory Review Petition filed by the petitioner before R3 dated 12-3-1999

Ext.P4: True copy of the notice issued by R1 to the petitioner dated 10-3-1999

Ext.P5: True copy of the notice dated 6-5-1999 issued by R1 to the petitioner

Ext.P6: True copy of the notice dated 17-5-1999 issued by the petitioner's counsel

Ext.P7: True copy of reply notice dated 5-6-1999 issued by R1, R2 & R4 to the petitioner

Ext.P8: True copy of the Petition/Complaint Vide No.2316/99 filed by R1 against the petitioner

Ext.P9: True copy of the order issued by R3 vide No.3362/9/LSGD dated Tvm 6-11-1999 to the petitioner.

Ext.P10: True copy of the notice dated 24-3-2000 issued by R1 to the petitioner

Ext.P11: True copy of the notice dated 9-8-2000 issued by R1 to the petitioner.

//True copy//

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KURIAN JOSEPH, J.

O.P. NO. 28559 OF 2000

Dated this the 21st day of March, 2007.

J U D G M E N T

The petitioner approached this Court with certain grievances regarding the alleged demolition of certain structures. There is also a prayer for compensation. Yet another grievance is with regard to the recovery of expenses met by the Panchayath.

2. According to the petitioner, against Exhibit P2 he had filed Exhibit P3 before the third respondent and only on disposal of Exhibit P3 further action can be taken in the matter.

Hence, there will be a direction to the third respondent to look into Exhibit P3 and pass appropriate orders in accordance with law, if not already passed, with notice to the petitioner and first respondent within a period of three months from date of production of a copy of this judgment. Interim order passed in C.M.P. No. 48022/2000 will continue till such time. The relief regarding compensation is left open to pursue before the Civil Court, making it clear that in the event of the petitioner approaching the Civil Court, the time taken for prosecuting this original petition will stand excluded in computing the period of limitation.

This original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp